

**Notice of Allowability**

Application No.

10/672,568

Examiner

Khoa D. Huynh

Applicant(s)

MAZAR, OFIR

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to examiner amendment filed on 11/22/04.
2. ☒ The allowed claim(s) is/are 1,3-9,12,13 and 16.
3. ☒ The drawings filed on 26 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 11222004.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Deborah Gador and Mr. Robert L. Stone on 11/22/04.

The application has been amended as follows:

In claim 1,

line 2: delete "plastic" and "shell",

line 2: after "having" insert --a bottom, an upstanding wall integrally formed with and extending from the bottom, and--,

line 2: after "recess in" delete "an" and substitute --said--,

line 3: delete "shell" and substitute --tub--,

line 4: delete "recommended",

line 5: delete "recommended",

line 6: after "built-in" insert --mounted--,

line 8: delete "up to said recommended" and substitute --regardless of said--,

line 9: after "portion is" insert --mounted--,

lines 9-10: delete "up to said recommended" and substitute --regardless of said--.

In claim 6,

line 3: delete "recommended",

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line 4: delete "shell".

In claim 12,

line 2: delete "plastic" and "shell",

line 2: after "having" insert --a bottom, an upstanding wall integrally formed with  
and extending from the bottom, and--,

line 3: after "recess in" delete "an" and substitute --said--,

line 3: delete "shell" and substitute --tub--,

line 4: delete "recommended",

line 5: delete "recommended",

line 6: after "built-in" insert --mounted--,

lines 8-9: delete "up to said recommended" and substitute --regardless of said--,

line 9: after "portion is" insert --mounted--,

line 10: delete "up to said recommended" and substitute --regardless of said--.

In claim 16,

line 2: delete "shell",

line 2: delete "an" and substitute --said--,

line 3: delete "shell" (1<sup>st</sup> and 2<sup>nd</sup> occurrences) and substitute --tub-- (1<sup>st</sup> and 2<sup>nd</sup>  
occurrences),

line 3: after "including providing" delete "a" and substitute --said--.

2. Claims 1, 3-9, 12, 13 and 16 are allowed over the prior art of record.

3. The following is an examiner's statement of reasons for allowance: the Hodak  
reference shows a thermometer for use with a pool border. The border is not an

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upstanding wall integrally formed with and extending from the bottom of the pool.

Furthermore, the recess is not integrally preformed for receiving the thermometer, rather the flanges of the thermometer define the recess. The JP0800488 reference shows a bathtub with a temperature indicator. The temperature indicator is made out of a heat-sensitive material that changes color when coming into contact with the heated water. However, none of the cited prior art alone or in combination teaches a safety bathtub having, in conjunction with other limitations, a built-in thermometer having a measuring portion and a scale portion, wherein the thermometer is mounted such that the measuring portion is immersed in water when the bathtub has water in it regardless of the water level line and the scale portion is located out of water when the bathtub has water in it regardless of the water level line so that the water temperature is monitored during use by a person outside and above the bathtub as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa D. Huynh whose telephone number is (571) 272-4888. The examiner can normally be reached on M-F (7:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khoa D. Huynh  
Patent Examiner  
Art Unit 3751

HK  
11/22/04